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07	UNITED STATES DISTRICT COURT				
08	WESTERN DISTRICT OF WASHINGTON AT SEATTLE				
09	DAMEN S. BACHMAN,) CAS	E NO. 07-136-JC	C-JPD	
10	Petitioner,)			
11	v.)		EMITIONED 10	
12	JEFFREY UTTECHT,) MOT	ORDER DENYING PETITIONER'S MOTION FOR EVIDENTIARY MEARING, GRANTING		
13	Respondent.) RESI	HEARING; GRANTINGRESPONDENT'S MOTION FOREXTENSION OF TIME		
14 15) EXI.	ENSION OF THE	IE.	
16)			
17	Petitioner, who has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. §				
18	2254, has recently filed a motion for an evidentiary hearing, to which respondent has filed a				
19	response. In addition, respondent has filed a motion for extension of time. Having considered				
20	the motions and the balance of the record, the court hereby finds and ORDERS as follows:				
21	(1) Petitioner's motion for an evidentiary hearing (Dkt. #6) is DENIED as premature.				
22	Respondent has yet to file his answer; thus, it is unclear whether petitioner's habeas petition may				
23	be resolved based purely on the existing record. Once respondent has filed his answer and the				
24	state court record, petitioner may refile his motion for evidentiary hearing.				
25	(2) Respondent's motion for extension of time (Dkt. #10) is GRANTED. Respondent				
26	supports his motion with evidence that he has had difficulty obtaining the state court record.				
	ORDER DENYING PETITIONER'S MOTION FOR EVIDENTIARY HEARING; GRANTING RESPONDENT'S MOTION FOR EXTENSION OF TIME PAGE -1				

Accordingly, respondent shall file his answer no later than April 27, 2007. 02 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, on the face of the answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner may file and serve a response no later than the Monday immediately preceding the Friday designated for consideration of the matter, and respondent may file and serve a reply no 06 later than the designated Friday. 07 (4) The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent, and to the Hon. John C. Coughenour. 08 09 DATED this 22nd day of March, 2007. ames P. Donobaue 10 11 AMES P. DONOHUE United States Magistrate Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

ORDER DENYING PETITIONER'S MOTION FOR EVIDENTIARY HEARING; GRANTING RESPONDENT'S MOTION FOR EXTENSION OF TIME

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